

1 **SSB 5773 - H COMM AMD ADOPTED 4/10/95**

2 By Committee on Commerce & Labor

3 On page 3, beginning on line 1, strike all of section 2 and  
4 insert the following:

5 "Sec. 2. RCW 50.20.085 and 1991 c 117 s 2 are each amended to  
6 read as follows:

7 (1) An individual is disqualified from benefits with respect  
8 to any day or days for which he or she is receiving, has received,  
9 or will receive compensation under RCW 51.32.060 or 51.32.090.

10 (2)(a) By accepting benefits under this title, the individual  
11 shall be deemed to have subrogated the employment security  
12 department to the individual's right to recover temporary total  
13 disability compensation or permanent total disability compensation,  
14 or both, due the individual under Title 51 RCW to the extent of  
15 such unemployment benefits or compensation under Title 51 RCW,  
16 whichever is less, furnished to the recipient for the period for  
17 which compensation under Title 51 RCW is payable.

18 (b)(i) The employment security department may assert and  
19 enforce a lien and notice to withhold and deliver as provided in  
20 this section to secure reimbursement of any benefits paid for or  
21 during the period and for the purposes expressed in this section.

22 (ii) The effective date of the lien and notice to withhold and  
23 deliver shall be the day that it is received by the director of the  
24 department of labor and industries or an employee of the director's  
25 office of suitable discretion, or by a self-insurer as defined in  
26 chapter 51.08 RCW, whichever is applicable. Service of the lien  
27 and notice to withhold and deliver may be made personally, by  
28 regular mail postage prepaid, or by electronic transmission. A  
29 copy of the lien and notice to withhold and deliver shall be mailed  
30 to the individual at his or her last known address by certified

1 mail, return receipt requested, no later than the next business day  
2 after the lien and notice to withhold and deliver has been mailed  
3 or delivered to the department of labor and industries or to a  
4 self-insurer."

**EFFECT:** The amendment makes technical changes and makes the right to reimbursement apply to both time loss and pension benefits that are received during the same period as unemployment benefits.